

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WENDY GAUTHIER,

Plaintiff

v.

SUNHEALTH SPECIALTY
SERVICES, INC. and SUNBRIDGE
HEALTHCARE CORPORATION,

Defendants

CIVIL ACTION NO.: 05cv40119-FDS

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION IN LIMINE TO EXCLUDE
UNDISCLOSED WITNESSES**

NOW COMES the Plaintiff, Wendy Gauthier, and hereby opposes the Defendants' Motion In Limine To Exclude Undisclosed Witnesses.

On or about April 30, 2008, the Plaintiff disclosed to the Defendants in the Pretrial Memorandum that she wished to include in her witness list an individual named John Nordstrom. Despite being made aware that the Plaintiff wished to include Mr. Nordstrom in her witness list nearly 5 months ago, the Defendants did not request information regarding Mr. Nordstrom's testimony until very recently. Plaintiff's Counsel then disclosed to the Defendants that Mr. Nordstrom possesses information relevant to the Plaintiff's absences for her pregnancy-related medical conditions, as well as pertaining to the shift coverage she obtained to attend medical appointments while employed by the Defendants.

The Plaintiff has properly reserved her right to supplement her witness list to include any other witnesses identified during the course of discovery, in documents produced, or identified by the Parties. The Plaintiff has, in fact, identified and provided information regarding

Mr. Nordstrom's anticipated testimony as required by Rule 37(c)(1) of the Federal Rules of Civil Procedure.

WHEREFORE, for the foregoing reasons, the Plaintiff respectfully requests that the Court allow Mr. Nordstrom to testify as to his knowledge of the Plaintiff's absences for her pregnancy-related medical conditions, as well as pertaining to the shift coverage she obtained to attend medical appointments while employed by the Defendants.

Respectfully submitted,

The Plaintiff
WENDY GAUTHIER
By Her Attorney

/s/ Michael O. Shea
MICHAEL O. SHEA, ESQ.
BBO No.: 555474
Law Office Of Michael O. Shea, P.C.
451 Main Street
Wilbraham, MA 01095
Telephone: (413)596-8005
Facsimile: (413)596-8095

Date: September 2, 2008

/s/ Daniel J. O'Connell
DANIEL J. O'CONNELL, ESQ.
BBO No.: 550633
O'Connell, Plumb & MacKinnon, P.C.
75 Market Place
Springfield, MA 01103
Telephone: (413) 733-9111
Facsimile: (413) 733-9888

Date: September 2, 2008

CERTIFICATE OF SERVICE

I, Michael O. Shea, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on September 2, 2008 and that there are no non-registered participants.

/s/ Michael O. Shea